

To Whom It May Concern:

In Asheville URTV public access reflects the diversity of local communities. We provide noncommercial programming for seniors, for the disabled, for youth, multi-lingual programming for ethnic communities, and others that are often neglected by the commercial media.

PEG provides the only coverage of local government here in Asheville,NC.. Eliminating PEG will reduce the opportunity for citizens to stay informed about local government issues. Everyone I know watches the local government channel.

Asheville has a rather large community of local producers of versatile programming. PEG and The MAP, <http://themap.org>, provides local public access centers that are the only means by which individuals and non-profit organizations can freely or affordably access the tools and training to produce their own programming and to express their own point-of-view through the media. We have educational programs in the schools, government coverage at the city and county level, URTV local TV access, WPVM low power radio and other programs which play the important role of offering the widest range of ideas and opinions in the "marketplace of ideas", and plays a important role in our democracy.

Please do not allow the telecoms to destroy this valuable service.

Thank You.

Ralph Nielsen
Asheville NC

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
Implementation of Section 621(a)(1) of)	
the Cable Communications Policy Act of 1984)	MB Docket No. 05-311
as amended by the Cable Television Consumer)	
Protection and Competition Act of 1992)	

COMMENTS OF The Map (<http://themap.org>), URTV Asheville, The Community Government Channel, The local public educational channel, and WPVM low power radio of Asheville

These Comments are filed by **The Map** in support of the comments filed by the Alliance for Community Media ("Alliance"), the Alliance for Communications Democracy, the National Association of Telecommunications Officers and Advisors ("NATOA"), and other national local government organizations. Like the Alliance, **The Map** (<http://themap.org>) and **URTV Asheville** believes that local governments can issue an appropriate local franchise for new entrants into the video services field on a timely basis, just as they have for established cable services providers. In support of this belief, we wish to inform the Commission about the benefits of cable franchising and the Public, Educational, and Government Access ("PEG") services in our community.

Cable Franchising in Our Community

Community Information

Asheville is a city with a population of about 65,000. Our franchised cable provider(s) is **Charter Cable**. Our community has negotiated cable franchises since [*year first franchise was issued*].

Our Current Franchise

Our current franchise began on 2005 and expires on 2015.

Our franchise requires the cable operator to pay a franchise fee to the in the amount of _??_% of the cable operator's gross revenues. The revenues for franchise fee purposes are calculated based on the gross revenues of the operator, in accordance with the Federal Cable Act.

Our franchise requires the cable operator to provide the following capacity for public, educational, and/or governmental ("PEG") access channels on the cable system. We currently have one channel devoted to public access; one channel devoted to educational access; and one channel devoted to government access.

Our franchise requires that our PEG channels be supported in the following ways by the cable operator:

Our franchise allows for capital support for PEG Access and other public interest services in the amount of _??_% of gross revenues

PEG Access Services

URTV Asheville is beginning to provide access services in our community. The number of access channels we operate is one. We are beginning our first fiscal year, **URTV Asheville** will provide 12 to 24 hours of new original local programming to the cable subscribers. The community is just beginning to use our new equipment and facility. It has taken us 3 years to establish this new service. Below are the highlights of our services to the community.

- Video bulletin board with text and graphics for community announcements.
- Coverage of community planning forums, town hall meetings, and neighborhood board meetings.
- Community-produced television programming for special interests (such as - seniors, non-English-speaking, ethnic and cultural groups, youth, people with disabilities, advocacy groups, health care, etc.)
- Staff-produced television programming on topics of interest to the local community.
- A shared channel capacity specifically for non-profit organizations to air locally-produced programming.
- A shared channel capacity specifically for religious organizations to air locally-produced programming.
- Hotline studios for live, interactive programs that allow local experts to answer viewer questions.

- Local news coverage (not on local broadcast stations).
- Grants to produce community programming.
- Media literacy and production training for neighborhood based community organizations and individuals.
- Video production courses.
- Video production facilities including studio and field editing..
- Support to Media Training Centers in local schools, enhancing learning opportunities for students.
- Technical design, installation, and maintenance support.
- Open mic format service such as a free speech soap box.
- Local political coverage, candidate platform statements and candidate debates during campaign season.
- Distance learning: Programming delivered to public and private institutions, facilitating distribution of for-credit instruction.
- Gavel-to-gavel coverage of educational governance proceedings.
- Production, support, and distribution for non-credit classes and job training.
- Distribution of community college and university educational programming..
- Computer literacy training for youth and families.
- Unique non-local programming available via satellite feed such as Arts Showcase, Mind Extension University, and SCOLA or other international news.
- Gavel-to-gavel coverage of state legislative sessions, hearings, and other select proceedings.
- Gavel-to-gavel coverage of local government meetings/hearings and other select "local" governmental proceedings.
- Viewer questions answered during live call-in segments of government meetings.
- Interactive participation in government meetings at community sites.
- Election night coverage.

The Franchising Process

The cable system serving our community also serves many adjoining communities Surrounding Asheville. In 2003 and 2004 our community worked together with approximately 12 other communities to issue a cable franchise for the **Charter** cable company. This allowed the company to quickly obtain franchises in these communities so as to be able to serve a large region,

while also allowing for individual provisions in specific franchises in order to tailor them to meet local needs.

Under the law, a cable franchise functions as a contract between the local government (operating as the local franchising authority) and the cable operator. Like other contracts, its terms are negotiated. Under the Federal Cable Act it is the statutory obligation of the local government to determine the community's cable-related needs and interests and to ensure that these are addressed in the franchising process – to the extent that is economically feasible. However derived (whether requested by the local government or offered by the cable operator), once the franchise is approved by both parties the provisions in the franchise agreement function as contractual obligations upon both parties.

While a franchise is negotiated by the local government as a contract, the process provides notice requirements for the public and the cable operator under state and local law. For instance: We held public hearings for more than 3 years at the **Asheville Chamber of Commerce**, the **Asheville City Council** and the **Buncombe County Commission** meetings

Competitive Cable Systems

Our community Asheville and the surrounding area:

- has never been approached by a competitive provider to provide service that I know of.

Conclusions

This NPRM is only looking retrospectively at one aspect of the franchising process. We believe that the Commission must look to the future of the public's interest in telecommunication's services. The existing franchising process has provided a basis for public interest services appropriately tailored to each community's local needs. We believe that those services such as PEG should be required of all broadband telecommunications providers.

The local cable franchising process has functioned well in Asheville. As the above information indicates, we are experienced at working with cable providers, the local franchise authority, and community interests to both see that the needs of the local community are met and to ensure that the practical business needs of cable providers are taken into account.

Local cable franchising ensures that local cable operators are allowed access to the rights of way in a fair and evenhanded manner, that other users of the rights of way are not unduly inconvenienced, and that uses of the rights of way, including maintenance and upgrade of facilities, are undertaken in a manner which is in accordance with local requirements. Local cable franchising also ensures that our local community's specific needs are met and that local customers are protected.

Local franchises can also ensure that the cable operator provides the PEG Access services which are responsive to the local community needs as determined through community needs assessments and the local knowledge of educators, local elected officials and local nonprofit organizations.

Local franchises thus provide a means for local government to appropriately oversee the operations of cable service providers in the public interest, and to ensure compliance with applicable laws. There is no need to create a new Federal bureaucracy in Washington to handle matters of primarily local interest.

Local franchises allow each community, including ours, to have a voice in how local cable systems will be implemented and what features (such as PEG access, institutional networks or local emergency alerts, etc.) will be available to meet local needs. These factors are equally present for new entrants as for existing users.

The **“TheMap.org”** and **URTV Asheville** therefore respectfully requests that the Commission take this opportunity to reaffirm the primacy of local government authority over franchising and should make clear that imposition on a new entrant of PEG Access, consumer protections and other public interest services requirements that are equivalent to those of the incumbent does not constitute an unreasonable refusal to award an additional competitive franchise within the meaning of federal law..

The PEG Access model should be strengthened and applied to new technologies, assuring that localism and community participation are not displaced by commercial interests.

The nation would be well served by a policy of “Community Reinvestment” through PEG Access that includes funds and bandwidth and/or spectrum that will be used for public purposes by:

1. Allowing the local community which owns the public rights-of-way to franchise and determine the best use of the community’s property;
2. Dedicating ten percent of the public airwaves and capacity on communication facilities that occupy public rights-of-way to PEG use for free speech, diverse points of view, local programs, community based education and political speech;
3. Mandating funding of five percent of gross revenues above and beyond any franchise fee to local authorities from all infrastructure and service providers and spectrum licensees to support PEG equipment, facilities, training and services; and,
4. Making PEG Access universally available to any consumer of advanced telecommunications services capable of full-motion video.

Respectfully submitted,

By: Ralph Nielsen, Advisory Board Member
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